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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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49455	7590	12/15/2005	EXAMINER	
STEIN, MCEWEN & BUI, LLP 1400 EYE STREET, NW SUITE 300 WASHINGTON, DC 20005			TRAN, THAI Q	
			ART UNIT	PAPER NUMBER
			2616	

DATE MAILED: 12/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/705,875	Applicant(s) MOON ET AL.	
	Examiner Thai Tran	Art Unit 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 09/339,192.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9/21/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed Sept. 19, 2005 have been fully considered but they are not persuasive.

In re page 7, applicants state that since claims 1-4 of the instant application have not yet been indicated as allowable and new claims 5-7 have not been analyzed, it is believed that any submission of a Terminal Disclaimer or arguments as to the non-obvious nature of the claims would be premature.

In response, since the Terminal Disclaimer has not been received, claims 1-4 are again rejected under the judicially created doctrine of obviousness-type double patenting in view of U.S. Patent No. 6,757,480, 6,721,493, and 6,674,957.

Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 1-7 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 8, 10-11, 16 and 18 of U.S.

Art Unit: 2616

Patent No. 6,757,480 B1. Although the conflicting claims are not identical, they are not patentably distinct from each other because

Regarding claim 1 of this application, claims 1, 8, and 10 of U.S. Patent No. 6,757,480 B1 recite a recording medium comprising a first region having data for a plurality of still pictures; and a second region having at least one still picture group information for arranging still picture data in the first region into at least one still picture group, including sizes of still pictures in the one still picture group and start position information of the one still picture group, and for controlling a recording and/or reproducing apparatus to manages still pictures at a group level, wherein the still picture group information includes still picture group general information containing start position information of each still picture group and information indicating a number of video parts in the one still picture group, the information for still pictures containing the position information thereof, and wherein the sizes of the still pictures includes size information of video parts of the still pictures. It is noted that claim 1 of this application is broader than and encompasses claims 1, 8, and 10 of U.S Patent No. 6,757,480 B1 and, therefore, obviousness-type double patenting rejection is applied.

Regarding claim 2 of this application, claims 1, 8, and 10 of U.S. Patent No. 6,757,480 B1 do not recite the claimed wherein the maximum number of still pictures in a group is 64.

Whether the maximum number of still pictures in a group is 64 is not, unless by doing so produces novel and/or unexpected results, is merely considered as well known design options obvious on one of ordinary skill in the art because the specific maximum

Art Unit: 2616

number in a group provides no significant functional or patentable differences. On the same token that the maximum number in a group is 45 or 55 or 50 would not have been patentable distinct from claims 1, 8, and 10 of U.S. Patent No. 6,757,480 B1 or claim 2 of this application.

Regarding claim 3, claims 1, 8, and 10-11 of U.S. Patent No. 6,757,480 B1 recite a recording medium comprising a first region having data for a plurality of still pictures; and a second region having at least one still picture group information for arranging still picture data in the first region into at least one still picture group, including sizes of still pictures in the one still picture group and start position information of the one still picture group, and for controlling a recording and/or reproducing apparatus to manages still pictures at a group level, wherein the still picture group information includes still picture group general information containing start position information of each still picture group and information indicating a number of video parts in the one still picture group, the information for still pictures containing the position information thereof, wherein the sizes of the still pictures includes size information of video parts of the still pictures, and wherein the one still picture group information further includes size information of audio parts for audio data corresponding to still pictures in the one still picture group, and playback time information thereof. It is noted that claim 3 of this application is broader than and encompasses claims 1, 8, and 10-11 of U.S Patent No. 6,757,480 B1 and, therefore, obviousness-type double patenting rejection is applied.

Regarding claim 4 of this application, claim 11 of U.S. Patent No. 6,757,480 B1 further recites the claimed wherein the position information further comprises playback time information of audio data.

Claim 5 of this application is rejected over claims 1, 8, and 10 of U.S. Patent No. 6,757,480 B1 for the same reasons as discussed in claim 1 of this application above.

Regarding claim 5 of this application, claim 16 of U.S. Patent No. 6,757,480 B1 recites a recording medium comprising a first region storing still pictures in still picture groups; a second region storing general information indicating start positions of each of the still picture groups, and sizes of each of the still pictures in each still picture group, and for controlling a recording and/or reproducing apparatus to determine start positions for the still pictures. It is noted that claim 5 of this application is broader than claim 16 of U.S. Patent No. 6,757,480 B1 and; therefore, obviousness-type double patenting rejection is applied.

Regarding claim 6, claim 18 of U.S. Patent No. 6,757,480 B1 also recites the claimed wherein the recording and/or reproducing apparatus, during reproduction of the data, reads the still picture group information, calculates a first position of a desired one of the still pictures in accordance with the read still picture group information, and reproduces the still picture located at the calculated first position.

Regarding claim 7, claim 18 of U.S. Patent No. 6,757,480 B1 further recites the claimed cell information indicating the group of the still picture to be reproduced and a reproduction order of the still pictures, wherein the recording and/or reproducing apparatus, during reproduction of the data, reads the cell information, and determines

Art Unit: 2616

whether another one of the still pictures is to be reproduced according to the cell information after the reading and decoding of the still picture to be reproduced.

4. Claims 1-7 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 5-6, and 41 of U.S. Patent No. 6,721,493 B1. Although the conflicting claims are not identical, they are not patentably distinct from each other because

Regarding claim 1 of this application, claims 1 and 5-6 of U.S. Patent No. 6,721,493 B1 recite a method of recording and/or reproducing audio and/or video data on a writeable and/or rewritable recording medium, comprising recording a plurality of still pictures in the a first region of the recording medium and at least one still picture group information in a second region of the recording medium; and arranging the plurality of still pictures in the first region into at least one still picture group, wherein the one still picture group information includes sizes of still pictures in the one still picture group and start position information of the one still picture group, so as to manage still pictures at a group level, wherein the recording of the still pictures includes recording consecutively the audio data added to the corresponding still pictures after the still pictures, and wherein the still picture group information includes still picture group general information containing start position information for each still picture group and information relating to a number of video parts in each still picture group, and information for the still pictures in each still picture group, the information for the still pictures containing sizes information of each of the still pictures, size information of audio data corresponding to the still pictures and the playback time information. It is

Art Unit: 2616

noted that recording medium claim 1 of this application is broader than and encompasses method claims 1 and 5-6 of U.S. Patent No. 6,721,493 B1 and, therefore, obviousness-type double patenting rejection is applied.

Regarding claim 2 of this application, claims 1 and 5-6 of U.S. Patent No. 6,721,493 B1 do not recite the claimed wherein the maximum number of still pictures in a group is 64.

Whether the maximum number of still pictures in a group is 64 is not, unless by doing so produces novel and/or unexpected results, is merely considered as well known design options obvious on one of ordinary skill in the art because the specific maximum number in a group provides no significant functional or patentable differences. On the same token that the maximum number in a group is 45 or 55 or 50 would not have been patentable distinct from claims 1 and 5-6 of U.S. Patent No. 6,721,493 B1 or claim 2 of this application.

Regarding claim 3, claims 1 and 5-6 of U.S. Patent No. 6,721,493 B1 recite a method of recording and/or reproducing audio and/or video data on a writeable and/or rewritable recording medium, comprising recording a plurality of still pictures in the a first region of the recording medium and at least one still picture group information in a second region of the recording medium; and arranging the plurality of still pictures in the first region into at least one still picture group, wherein the one still picture group information includes sizes of still pictures in the one still picture group and start position information of the one still picture group, so as to manage still pictures at a group level, wherein the recording of the still pictures includes recording consecutively the audio

Art Unit: 2616

data added to the corresponding still pictures after the still pictures, and wherein the still picture group information includes still picture group general information containing start position information for each still picture group and information relating to a number of video parts in each still picture group, and information for the still pictures in each still picture group, the information for the still pictures containing sizes information of each of the still pictures, size information of audio data corresponding to the still pictures and the playback time information. It is noted that claim 3 of this application is broader than and encompasses method claims 1 and 5-6 of U.S. Patent No. 6,721,493 B1 and, therefore, obviousness-type double patenting rejection is applied.

Regarding claim 4 of this application, claim 6 of U.S. Patent No. 6,721,493 B1 further recites the claimed wherein the position information further comprises playback time information of audio data.

Claim 5 of this application is rejected over claims 1 and 5-6 of U.S. Patent No. 6,721,493 B1 for the same reasons as discussed in claim 1 of this application above.

Regarding claim 5 of this application, claim 41 of U.S. Patent No. 6,721,493 B1 recites a method of reproducing still pictures on a recording medium, wherein the recording medium includes still picture group information for arranging the still pictures into still picture groups in an area of the recording medium separate from an area storing the still picture group information, start addresses of the still pictures groups, sizes of the still pictures within the corresponding still picture groups, and cell information for indicating reproduction of the still pictures, the method comprising reading the cell information for one of the still pictures; reading the still picture group

Art Unit: 2616

information to determine the start address of the still picture group of the corresponding one still picture; and determining sizes of all still pictures preceding the one still picture in the corresponding still picture group, and reading the one still picture based upon the start address and the determined sizes. It is noted that claim 5 of this application is broader than claim 41 of U.S. Patent No. 6,721,493 B1 and; therefore, obviousness-type double patenting rejection is applied:

Regarding claim 6, claim 41 of U.S. Patent No. 6,721,493 B1 also recites the claimed wherein the recording and/or reproducing apparatus, during reproduction of the data, reads the still picture group information, calculates a first position of a desired one of the still pictures in accordance with the read still picture group information, and reproduces the still picture located at the calculated first position.

Regarding claim 7, claim 41 of U.S. Patent No. 6,721,493 B1 further recites the claimed cell information indicating the group of the still picture to be reproduced and a reproduction order of the still pictures, wherein the recording and/or reproducing apparatus, during reproduction of the data, reads the cell information, and determines whether another one of the still pictures is to be reproduced according to the cell information after the reading and decoding of the still picture to be reproduced.

5. Claims 1-7 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 7-9, 14, and 17 of U.S. Patent No. 6,674,957 B1. Although the conflicting claims are not identical, they are not patentably distinct from each other because

Regarding claim 1 of this application, claims 1 and 7-8 of U.S. Patent No. 6,674,957 B1 recite an apparatus for recording and/or reproducing audio and/or video data on a writeable and/or rewritable recording medium, comprising a recording processor to signal-process a plurality of still pictures to be recorded in the a first region of the recording medium and a controller to generate still picture group information for arranging the still pictures in the first region into a number of groups so as to manage the still pictures at a group level and to control the generated still picture group information to be recorded in a second region of the recording medium, with the still picture group information including sizes of still pictures in at least one of the still picture groups and start position information of the one still picture group; wherein the still picture group information includes still picture group general information containing start positions of each still picture group and information relating to a number of video parts in each still picture group, and information for the still pictures in each still picture group, the information for the still pictures containing position information thereof; and wherein the position information for the still pictures includes size information of video parts of the still pictures. It is noted that recording medium claim 1 of this application is broader than and encompasses apparatus claims 1 and 7-8 of U.S. Patent No. 6,674,957 B1 and, therefore, obviousness-type double patenting rejection is applied.

Regarding claim 2 of this application, claims 1 and 7-8 of U.S. Patent No. 6,674,957 B1 do not recite the claimed wherein the maximum number of still pictures in a group is 64.

Whether the maximum number of still pictures in a group is 64 is not, unless by doing so produces novel and/or unexpected results, is merely considered as well known design options obvious on one of ordinary skill in the art because the specific maximum number in a group provides no significant functional or patentable differences. On the same token that the maximum number in a group is 45 or 55 or 50 would not have been patentable distinct from claims 1 and 7-8 of U.S. Patent No. 6,674,957 B1 or claim 2 of this application.

Regarding claim 3, claims 1 and 7-9 of U.S. Patent No. 6,674,957 B1 recite an apparatus for recording and/or reproducing audio and/or video data on a writeable and/or rewritable recording medium, comprising a recording processor to signal-process a plurality of still pictures to be recorded in the a first region of the recording medium and a controller to generate still picture group information for arranging the still pictures in the first region into a number of groups so as to manage the still pictures at a group level and to control the generated still picture group information to be recorded in a second region of the recording medium, with the still picture group information including sizes of still pictures in at least one of the still picture groups and start position information of the one still picture group; wherein the still picture group information includes still picture group general information containing start positions of each still picture group and information relating to a number of video parts in each still picture group, and information for the still pictures in each still picture group, the information for the still pictures containing position information thereof; wherein the position information for the still pictures includes size information of video parts of the still pictures, and

Art Unit: 2616

wherein the recording processor consecutively records audio data after ones of the still pictures, and the position information for the still pictures further includes size information of the audio data corresponding to the still pictures, and playback time information thereof. It is noted that recording medium claim 3 of this application is broader than and encompasses apparatus claims 1 and 7-9 of U.S. Patent No. 6,674,957 B1 and, therefore, obviousness-type double patenting rejection is applied.

Regarding claim 4 of this application, claim 9 of U.S. Patent No. 6,674,957 B1 further recites the claimed wherein the position information further comprises playback time information of audio data.

Claim 5 of this application is rejected over claims 1 and 7-8 of U.S. Patent No. 6,674,957 B1 for the same reasons as discussed in claim 1 of this application above.

Regarding claim 5 of this application, claim 14 of U.S. Patent No. 6,674,957 B1 recites a recording system to record a radio frequency signal on a recording medium, comprising a recording device to process an externally applied audio/video (A/V) signal into the radio frequency signal and records the radio frequency signal on the recording medium; wherein the recording device stores the radio frequency signal as still pictures in groups in a first region on the recording medium, wherein the still pictures of each same group have a same attribute, and stores general information indicating start positions of each of the still picture groups and sizes of each of the still pictures in each still picture group in a second region of the recording medium, wherein the second region is separated from the first region. It is noted that claim 5 of this application is

Art Unit: 2616

broader than claim 41 of U.S. Patent No. 6,721,493 B1 and; therefore, obviousness-type double patenting rejection is applied.

Regarding claim 6, claim 17 of U.S. Patent No. 6,674,957 B1 also recites the claimed wherein the recording and/or reproducing apparatus, during reproduction of the data, reads the still picture group information, calculates a first position of a desired one of the still pictures in accordance with the read still picture group information, and reproduces the still picture located at the calculated first position.

Regarding claim 7, claim 17 of U.S. Patent No. 6,674,957 B1 further recites the claimed cell information indicating the group of the still picture to be reproduced and a reproduction order of the still pictures, wherein the recording and/or reproducing apparatus, during reproduction of the data, reads the cell information, and determines whether another one of the still pictures is to be reproduced according to the cell information after the reading and decoding of the still picture to be reproduced.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1 and 3-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Kageyama et al (US 6,594,442 B1 and submitted by applicants).

Regarding claim 1, Kageyama et al discloses a recording medium (DVD-RAM disclosed in col. 7, lines 29-34) for use with a recording and/or reproducing apparatus, comprising:

- a first region having at least one still picture (col. 8, lines 37-67); and

- a second region having at least one still picture group information used by the recording and/or reproducing apparatus for arranging still picture data in the first region into at least one still picture group so as to allow the recording and/or reproducing apparatus to manage still pictures at a group level (col. 8, lines 37-67),

wherein:

- the at least one still picture group information includes still picture group general information containing start position information of the one still picture group and information relating to a number of video parts in the one still picture group, and information for each still picture in the one still picture group containing position information thereof (col. 8, lines 37-67), and

- the position information for the still pictures includes size information of video parts of still pictures (col. 8, lines 61-67).

Regarding claim 3, Kageyama et al discloses a recording medium (DVD-RAM disclosed in col. 7, lines 29-34) for use with a recording and/or reproducing apparatus comprising:

- a first region having at least one still picture including at least one audio data related to the one still picture (col. 8, lines 37-67); and

Art Unit: 2616

a second region having at least one still picture group information used by the recording and/or reproducing apparatus for arranging still picture data in the first region into at least one group so as to allow the recording and/or reproducing apparatus to manage still pictures at a group level (col. 8, lines 37-67),

wherein:

the at least one still picture group information includes still picture group general information containing start position information of the one still picture group and information relating to a number of video parts in the one still picture group, and information for each still picture in the one still picture group containing position information thereof (col. 8, lines 37-67), and

the position information for still pictures includes size information of video parts of still pictures and size information of audio parts corresponding to still pictures (col. 8, lines 37-67).

Regarding claim 4, Kageyama et al also discloses the claimed wherein the position information further comprises playback time information of audio data (col. 9, lines 5-17).

Regarding claim 5, Kageyama et al discloses a recording medium (DVD-RAM disclosed in col. 7, lines 29-34) having data for use with a recording and/or reproducing apparatus, the data being recorded by

recording a plurality of still pictures in a first region of the recording medium (col. 8, lines 37-67);

recording at least one still picture group information in a second region of the recording medium (col. 8, lines 37-67); and

arranging the plurality of still pictures in the first region into at least one still picture group (col. 8, lines 37-67),

wherein the at least one still picture group information includes sizes of each of the still pictures in the at least one still picture group and start position information of the at least one still picture group such that the recording and/or reproducing apparatus manages the still pictures at a group level according to the at least one still picture group information (col. 8, lines 37-67).

Regarding claim 6, Kageyama et al also discloses the claimed wherein the recording and/or reproducing apparatus, during reproducing of the data, reads the still picture group information, calculates a first position of a desired one of the still pictures in accordance with the read still picture group information, and reproduces the still picture located at the calculated first position (col. 8, lines 37-67).

Regarding claim 7, Kageyama et al discloses the claimed cell information indicating the group of the still picture to be reproduced and a reproduction order of the still pictures, wherein the recording and/or reproducing apparatus, during reproduction of the data, reads the cell information, and determines whether another one of the still pictures is to be reproduced according to the cell information after the reading and decoding of the still picture to be reproduced (col. 8, lines 37-41 and col. 11, lines 11-15).

Art Unit: 2616

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kageyama et al (US 6,594,442 B1).

Kageyama et al discloses all the claimed limitations as discussed in claim 1 above except for providing the claimed wherein the maximum number of still pictures in a group is 64.

Whether the maximum number of still pictures in a group is 64 is not, unless by doing so produces novel and/or unexpected results, is merely considered as well known design options obvious on one of ordinary skill in the art because the specific maximum number in a group provides no significant functional or patentable differences. On the

Art Unit: 2616

same token that the maximum number in a group is 45 or 55 or 50 would not have been patentable distinct from Kageyama et al or claim 2 of this application.

10. Applicant's submission of an information disclosure statement under 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p) on Sept. 21, 2005 prompted the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 609.04(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

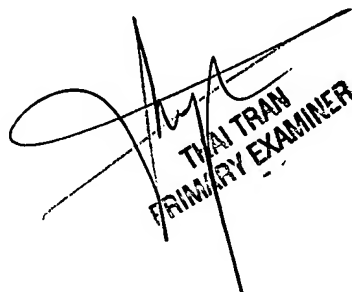
11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thai Tran whose telephone number is (571) 272-7382. The examiner can normally be reached on Mon. to Friday, 8:00 AM to 5:30 PM.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2616

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TTQ



THAI TRAN
PRIMARY EXAMINER